

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,
individually and on behalf of NORFOLK
& PORTSMOUTH BELT LINE
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-LRL

NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,

Defendants.

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NOTICE OF MOTION TO FILE DOCUMENTS UNDER SEAL

Plaintiff CSX Transportation, Inc. (“CSXT”), by counsel, hereby provides notice, pursuant to Local Rule 5(C), that it has moved the Court to seal portions of its unredacted Opposition to the Joint Motion to Compel Depositions filed by Defendants Norfolk & Portsmouth Beltline Railroad Company’s (“NPBL”) and Norfolk Southern Railway Company’s (“NS”), together with certain Exhibits thereto, because they contain and/or reference information that CSXT or NS have indicated is “Confidential” or “Confidential – Attorneys Eyes Only” under the Stipulated Protective Order entered in this matter. *See* ECF No. 79.¹ These documents contain highly confidential and sensitive information relating to the Parties’ internal strategy and business decisions regarding the Port of Virginia and Defendant NPBL, and other highly confidential, proprietary, and sensitive business information, release of which could harm the Parties.

¹ CSXT’s Opposition discusses and characterizes the substance of accompanying Exhibits E, H, J, and L, as well as exhibits to the Joint Motion to Compel Depositions and Memorandum in Support (*see* ECF Nos. 267, 268), which have been ordered sealed. *See* ECF Nos. 269, 273.

Any party or non-party may submit memoranda in support of or in opposition to this Motion within seven (7) days designating all or part of such memoranda as confidential. Any information designated as confidential in a supporting or opposing memoranda will be treated as sealed pending a determination by the Court on the Motion to Seal. Any person objecting to this Motion must file an objection with the Clerk within seven (7) days after the filing of this Motion. If no objection is filed in a timely manner, the Court may treat the Motion as uncontested.

Dated: February 4, 2021

Respectfully submitted,

CSX TRANSPORTATION, INC.

By Counsel

/s/ Robert W. McFarland

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CERTIFICATE OF SERVICE

I certify that on this 4th day of February, 2021, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

/s/ Robert W. McFarland

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